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8 **BEFORE THE**
BOARD OF REGISTERED NURSING
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. **2010-664**

12 **KARLA ANNE KNAPP**
13 **1314 Hayes Street**
San Francisco, CA 94117

ACCUSATION

14 **Registered Nurse License No. 660820**

15 Respondent.

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18 Complainant alleges:

19 **PARTIES**

20 1. Louise R. Bailey, M.Ed., R.N. (Complainant) brings this Accusation solely in her
21 official capacity as the Interim Executive Officer of the Board of Registered Nursing, Department
22 of Consumer Affairs.

23 2. On or about July 15, 2005, the Board of Registered Nursing issued Registered Nurse
24 License Number 660820 to Karla Anne Knapp (Respondent). The Registered Nurse License was
25 in full force and effect at all times relevant to the charges brought herein and will expire on June
26 30, 2011, unless renewed.

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JURISDICTION

3. This Accusation is brought before the Board of Registered Nursing (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 2750 of the Business and Professions Code (Code) provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under section 2811(b) of the Code, the Board may renew an expired license at any time within eight years after the expiration.

STATUTORY PROVISIONS

6. Section 2761 of the Code states, in pertinent part:

"The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

"(a) Unprofessional conduct, which includes, but is not limited to, the following:

...

"(f) Conviction of a felony or of any offense substantially related to the qualifications, functions, and duties of a registered nurse, in which event the record of the conviction shall be conclusive evidence thereof."

7. Section 2762 of the Code states, in pertinent part:

"In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this chapter to do any of the following:

"(a) Obtain or possess in violation of law, or prescribe, or except as directed by a licensed physician and surgeon, dentist, or podiatrist administer to himself or herself, or furnish or administer to another, any controlled substance as defined in Division 10 (commencing with

1 Section 11000) of the Health and Safety Code or any dangerous drug or dangerous device as
2 defined in Section 4022.

3 "(b) Use any controlled substance as defined in Division 10 (commencing with Section
4 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in
5 Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to
6 himself or herself, any other person, or the public or to the extent that such use impairs his or her
7 ability to conduct with safety to the public the practice authorized by his or her license.

8 "(c) Be convicted of a criminal offense involving the prescription, consumption, or
9 self-administration of any of the substances described in subdivisions (a) and (b) of this section,
10 or the possession of, or falsification of a record pertaining to, the substances described in
11 subdivision (a) of this section, in which event the record of the conviction is conclusive evidence
12 thereof."

13 8. Section 490 of the Code provides, in pertinent part, that a board may suspend or
14 revoke a license on the ground that the licensee has been convicted of a crime substantially
15 related to the qualifications, functions, or duties of the business or profession for which the
16 license was issued.

17 COST RECOVERY

18 9. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
19 administrative law judge to direct a licentiate found to have committed a violation or violations of
20 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
21 enforcement of the case.

22 DRUGS

23 10. "Marijuana" is a Schedule I controlled substance as designated by Health and
24 Safety Code section 11054(d)(13).

25 11. "Zolpidem" is a Schedule IV controlled substance pursuant to Health and Safety
26 Code section 11057(d)(32) and a dangerous drug pursuant to Code section 4022. "Zolpidem" is
27 available under the brand name of "Ambien."

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1 FIRST CAUSE FOR DISCIPLINARY ACTION

2 (Unprofessional Conduct)
3 (Bus. & Prof. Code §2761(a))

4 12. Respondent has subjected her Registered Nurse License to disciplinary action for
5 unprofessional conduct under Code section 2761(a). Specifically, on or about January 15, 2010,
6 Respondent was terminated from the Board's Diversion Program (the program) as administered
7 by MAXIMUS for failing to comply with the program's provisions. Respondent enrolled in the
8 program on September 9, 2009. Presently, Respondent is considered to be a "Public Safety Risk."
9 The circumstances of her termination are as follows:

10 a. On September 30, 2009, Respondent relapsed on alcohol and marijuana. On October
11 12, 2009, Respondent relapsed on marijuana. Respondent was mandated to inpatient treatment.
12 On October 18, 2009, Respondent entered the inpatient/residential treatment at The Camp
13 Recovery Center in Scotts Valley, California. On November 17, 2009, Respondent left the
14 inpatient/residential treatment at The Camp Recovery. Respondent stopped calling MAXIMUS
15 and First Lab after she was discharged from the inpatient treatment program. Respondent
16 informed her Case Manager that Diversion was too strict for her and she wanted to withdraw.
17 Respondent missed eight calls to First Lab to take a drug test. Respondent has not been tested for
18 drugs or alcohol since her discharge from the inpatient treatment program. Therefore,
19 Respondent's sobriety cannot be verified since November 17, 2009.

20 SECOND CAUSE FOR DISCIPLINARY ACTION

21 (Unprofessional Conduct)
22 (Bus. & Prof. Code §2761(a))

23 13. Respondent has subjected her Registered Nurse License to disciplinary action for
24 unprofessional conduct under Code section 2761(a). The circumstances are as follows:

25 a. On or about December 4, 2007, in Littleton, Colorado, a police officer with the
26 Littleton Police Department (LPD) responded to a report that a white Lexus was weaving all over
27 the road, and on a few occasions had almost struck other vehicles. While en-route, the same LPD
28 officer was advised by dispatch that the Lexus had struck a vehicle. Later, dispatch advised the
LPD officer that the Lexus had left the accident scene. The LPD officer pulled behind the vehicle
and ordered the driver (later identified as Respondent) out of the car. Once Respondent was out

1 of the vehicle, the LPD officer escorted her to the sidewalk. Respondent could barely keep her
2 balance. During her initial contact with the LPD officer, Respondent almost fell down a couple
3 of times. When asked if she had been drinking, Respondent stated "no." When asked if she was
4 taking any medications or illegal drugs, Respondent stated that she was taking Ambien. The LPD
5 officer asked Respondent why she was using Ambien and Respondent stated it helped her sleep.
6 The LPD officer did not detect any odor of alcohol on her breath; however, he reported that her
7 eyes looked bloodshot and watery.

8 b. Respondent agreed to perform "voluntary roadside maneuvers." As the tests were
9 being explained to her by the officer, Respondent almost fell to the ground. After it was
10 determined that it would not be safe to conduct any further tests, Respondent was placed under
11 arrest. A breath test showed that Respondent did not have any alcohol in her system. After
12 Respondent was arrested, a prescription bottle was found in the Lexus's center console that
13 contained a small amount of a "green leafy type substance commonly known as marijuana." Once
14 at the LPD police station, Respondent admitted that she had smoked marijuana "last night about
15 nine o'clock" and took an Ambien "about ten this morning."

16 c. The State of Colorado, County of Arapahoe District Attorney's Office charged
17 Respondent with violating Colorado Revised Statute (CRS) No. 18-18-406(1) (possession of
18 under 1 oz. of marijuana), CRS No. 42-4-1301(1)(a) (driving under the influence), and CRS No.
19 42-4-1301(b) (driving under the influence, second offense). Respondent was later convicted of
20 violating CRS No. 42-4-1301(1)(b) (see below).

21 THIRD CAUSE FOR DISCIPLINARY ACTION

(Conviction)

22 (Bus. & Prof. Code §§ 2761(f) and 490

23 14. Complainant realleges the allegations contained in paragraph 13 above, and
24 incorporates them here by reference as if fully set forth.

25 15. Respondent has subjected her Registered Nurse License to disciplinary action
26 under Code sections 2761(f) and 490 and California Code of Regulations, title 16, section 1444.
27 Specifically, on or about May 1, 2008, in the County Court of Colorado, County of Arapahoe,
28 Case No. 2007 M 102893, entitled *People of the Colorado vs. Karla Ann Knapp*, Respondent was

1 convicted by her plea of guilty of violating CRS No. 42-4-1301(b) (driving under the influence,
2 second offense).


3 PRAYER

4 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
5 and that following the hearing, the Board of Registered Nursing issue a decision:

- 6 1. Revoking or suspending Registered Nurse License Number RN 660820, issued to
7 Karla Anne Knapp (Respondent).
8 2. Ordering Respondent to pay the Board of Registered Nursing the reasonable costs of
9 the investigation and enforcement of this case, pursuant to Business and Professions Code section
10 125.3;
11 3. Taking such other and further action as deemed necessary and proper.

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14 DATED: _____

6/28/10


LOUISE R. BAILEY, M.ED., RN
Interim Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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